

FORM NLRB-501  
UNDER 44 US.. 3512

FORM EXEMPT

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

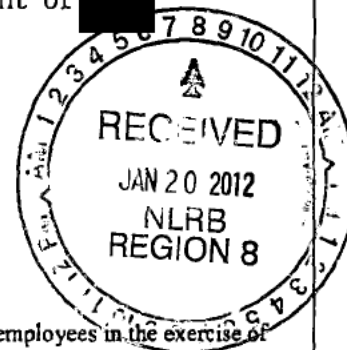
DO NOT WRITE IN THIS SPACE	
Case	Date Filed

**INSTRUCTIONS**

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer Warren Steel Holdings LLC.	b. Number of workers employed 120	
c. Address (street, city, state, ZIP code) 4000 Mahoning Avenue, Warren, Ohio 44483	d. Employer Representative Mark Trapp, Plant Manager	e. Telephone No. 330-847-0487
f. Type of Establishment (factory, mine, wholesaler, etc.) Factory	g. Identify principal product or service Melting Casting	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices, affecting commerce within the meaning of the Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
<p>On or about (b) (6), (b) (7)(C) 2011, the above-named Employer, through its officers, agents, and representatives, unlawfully terminated the employment of (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) union activities.</p>		
<p>By the above and other acts, the above named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.</p>		
3. Full EMPLOYER name of party filing charge (If labor organization, give full name, including local name and number)		
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC		
4a. Address (street and number, city, state and ZIP code) Five Gateway Center Room 913 Pittsburgh, PA 15222	4b. Telephone No. (412) 562-2529 Fax (412) 562-2555	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC		
6. DECLARATION		
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		
By <u>Ang D. Hernandez</u> Signature of representative or person making charge	Title Sub-District Director	Date
Address United Steelworkers 950 Youngstown-Warren Rd, Niles, Ohio 44446	Telephone No. (330) 603-0682 Fax (330) 505-9198	January 13, 2012

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT  
(U.S. CODE, TITLE 18, SECTION 1001)**



FORM NLRB 311  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**Amended-CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case  
**08-CA-072781**Date Filed  
**3/15/12****INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer <b>Warren Steel Holdings, LLC</b>		b. Tel. No. <b>330-847-0487</b>
d. Address (street, city, state, ZIP code) <b>4000 Mahoning Avenue, Warren, Ohio 44483</b>	e. Employer Representative <b>Mark Trapp, Plant Manager</b>	f. Fax No. <b></b>
i. Type of Establishment (factory, mine, wholesaler, etc.) <b>factory</b>		h. Number of workers employed <b>120</b>
j. Identify principal product or service <b>Melting &amp; Casting</b>		
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1) subsections) <b>3</b> of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

On or about **(b) (6), (b) (7)(C)** 2011, the Employer, by its officers, agents and representatives, discriminatorily issued a written reprimand to employee **(b) (6), (b) (7)(C)** and terminated **(b) (6), (b) (7)(C)** in retaliation for **(b) (6), (b) (7)(C)** union activities on behalf of United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC.

By the Acts set forth in the paragraph above and by other acts and conduct, it, by its officers, agents, and representatives, has interfered with, restrained and coerced and is interfering with, restraining, and coercing its employees in the exercise of their rights guaranteed in Section 7 of the said Act.

**3. Full name of labor party filing charge (if labor organization, give full name, including local name and number)**

**United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC**

4a. Address (street and number, city, state, and ZIP code) <b>Five Gateway Center-Room 913, Pittsburgh, PA 15222</b>	4b. Tel. No. <b>412-562-2529</b>
	4d. Fax No. <b>412-562-2555</b>
5. Full name of national or international labor organization of which it is affiliate or constituent unit (to be filled in when charge is filed by a labor organization) <b>United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC</b>	

**6. DECLARATION**

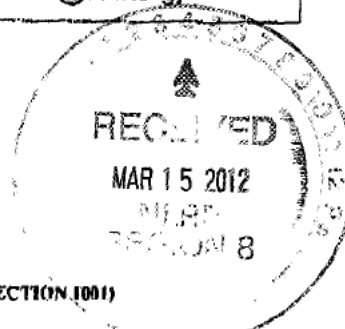
I declare that I have read the above charge and that the statement is true to the best of my knowledge and belief.

By *Gary G. Steinbeck* Sub-District Director  
(signature) /s/ Gary G. Steinbeck (title)

Address: United Steelworkers, 950 Youngstown-Warren Rd.  
Niles, OH 44441-4644

**3/15/12**  
(date)

Tel. No.  
**330-803-0682**  
Fax No.  
**330-505-9198**  
e-Mail  
**[gsteinbeck@usw.org]**



WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigations. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 8**

**WARREN STEEL HOLDINGS, LLC**

**and**

**CASES 08-CA-072781  
08-CA-076715**

**UNITED STEEL, PAPER AND FORESTRY,  
RUBBER, MANUFACTURING, ENERGY,  
ALLIED INDUSTRIAL AND SERVICE WORKERS  
INTERNATIONAL UNION, AFL-CIO, CLC**

**ORDER CONSOLIDATING CASES,  
CONSOLIDATED COMPLAINT AND NOTICE OF HEARING**

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC, herein called the Union, has charged in Case 08-CA-072781 and Case 08-CA-076715 that Warren Steel Holdings, LLC, herein called the Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. § 151 et seq., herein called the Act. Based thereon, and in order to avoid unnecessary costs or delay, the Acting General Counsel, by the undersigned, pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, ORDERS that these cases are consolidated:

These cases having been consolidated, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, issues this Order Consolidating Cases, Consolidated Complaint and Notice of Hearing and alleges as follows:

1. (A) The charge in Case 08-CA-072781 was filed by the Union on January 20, 2012, and a copy was served by mail on Respondent on January 20, 2012.

(B) The amended charge in Case 08-CA-072781 was filed by the Union on March 15, 2012, and a copy was by mail served on the Respondent on March 16, 2012.

(C) The charge in Case 08-CA-076715 was filed by the Union on March 15, 2012, and a copy was served by mail on the Respondent on March 16, 2012.

2. (A) At all material times, the Respondent, an Ohio corporation, with a facility located at 4000 Mahoning Avenue, Warren, Ohio, 44483, has been engaged in the manufacture of steel products.

(B) Annually, the Respondent, in the course and conduct of its business operations described above in paragraph 2(A), ships and sells products valued in excess of \$50,000 directly to points located outside the State of Ohio.

3. At all material times the Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)

--

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

--

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

--

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

--

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

--

(b) (6), (b) (7)(C)

6. At all material times during the six-month period prior to the filing of the charge in Case 08-CA-076715 and to date, the Respondent has maintained in effect “An Hourly Employee Handbook” which applies the following policies to its employees:

(A) A provision entitled “Non-Disclosure and Confidentiality Policy” on page 7 of the Handbook states as follows:

*The protection of confidential business information and trade secrets is vital to the interests and success of WSH. Such confidential information includes, but is not limited to, the following examples:*

- *Compensation data*
- *Financial information*
- *Confidential information such as, but not limited to, customer lists, pricing, vendors, product methods, trade secrets, or any other information vital to the interests of WSH.*

*Employees who improperly use or disclose trade secrets or confidential business information will be subject to disciplinary action, up to and including termination of employment and legal action, even if they do not actually benefit from the disclosed information.”*

(B) A provision on page 9 of the Handbook concerning Standards of Conduct and Disciplinary Action lists unacceptable employee conduct that may result in severe disciplinary action up to and including termination including the following conduct:

- *Leaving the company property without approval of immediate supervisor*
- *Walking off the your job without supervisory approval*

(C) A provision on page 11 of the Handbook concerning Violence in the Workplace that includes as a possible violation of that policy the following conduct:

- *Causing or maintaining high levels of conflict or tension within a work unit or between co-workers*

7. On about November 20, 2011, the Respondent, by (b) (6), (b) (7)(C) at Respondent's facility, unlawfully solicited grievances from an employee and promised to remedy those grievances in order to discourage employees from engaging in protected concerted and/or union activity.

8. (A) On about (b) (6), (b) (7)(C), 2011, Respondent issued a written disciplinary warning to its employee (b) (6), (b) (7)(C).

(B) Respondent engaged in the conduct described above in paragraph 8(A) because the named employee of Respondent joined and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

9. (A) On about (b) (6), (b) (7)(C) 2011, Respondent terminated its employee (b) (6), (b) (7)(C).

(B) Respondent engaged in the conduct described above in paragraph 9(A) because the named employee of Respondent joined and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

10. By the conduct described above in paragraphs 6 through 9, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

11. By the conduct described above in paragraphs 8 and 9, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

12. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE As part of the remedy for the unfair labor practices alleged above in paragraph 9, the Acting General Counsel seeks an Order requiring that Respondent preserve and, within 14 days of a request, provide at the office designated by the Board or its agents, a copy of all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this order. If requested, the originals of such records shall be provided to the Board or its agents in the same manner.

As part of the remedy for the unfair labor practices alleged above in paragraph 9, the Acting General Counsel seeks an Order requiring reimbursement of amounts equal to the difference in taxes owed upon receipt of a lump-sum payment and taxes that would have been owed had there been no discrimination.

The Acting General Counsel further seeks, as part of the remedy for the allegation in paragraph 9, that Respondent be required to submit the appropriate documentation to the Social Security Administration so that when backpay is paid, it will be allocated to the appropriate periods.

The Acting General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the [consolidated](#) complaint. The answer must be **received by this office on or before May 4, 2012, or postmarked on or before May 3, 2012.** Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on the **E-Gov tab**, select **E-Filing**, and then follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a



pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed or if an answer is filed untimely, the Board may find, pursuant to Motion for Default Judgment, that the allegations in the [consolidated](#) complaint are true.

### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on the 13<sup>th</sup> day of June 2012, at 10:00 a.m., in a hearing room of the National Labor Relations Board, 1695 AJC Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this [consolidated](#) complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Cleveland, Ohio this 20<sup>th</sup> day of April 2012.

/s/ Frederick J. Calatrello

---

Frederick J. Calatrello  
Regional Director  
National Labor Relations Board  
Region 8

Attachments

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

NOTICE

Cases 08-CA-072781 & 076715

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing.

However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds thereafter must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; ***and***
- (5) Copies must be simultaneously served on all other parties (*listed below*), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

MARK TRAPP, Plant Mgr.  
WARREN STEEL HOLDINGS LLC  
4000 MAHONING AVE NW  
WARREN, OH 44483-1924

BRAD MANZOLILLO  
UNITED STEEL, PAPER AND  
FORESTRY RUBBER  
MANUFACTURING ENERGY  
ALLIED INDUSTRIAL AND SERVICE  
WORKERS INTERNATIONAL  
UNION, AFL-CIO, CLC  
5 GATEWAY CTR, STE 615  
PITTSBURGH, PA 15220-2529

ROBERT MIGNIN, Esq.  
BAKER & MCKENZIE LLP  
300 E RANDOLPH ST, STE 5000  
CHICAGO, IL 60601-8000

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MANUFACTURING ENERGY  
ALLIED INDUSTRIAL AND SERVICE  
WORKERS INTERNATIONAL  
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PITTSBURGH, PA 15220-2529

RYAN H. VANN, Esq.  
BAKER & MCKENZIE LLP  
300 E RANDOLPH ST, STE 300  
CHICAGO, IL 60601-8000

GARY G. STEINBECK, Sub-Dist Dir  
UNITED STEELWORKERS OF  
AMERICA, DISTRICT 1, SUBDIST 1  
950 YOUNGSTOWN WARREN RD  
NILES, OH 44446-4644



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 8  
1240 E 9TH ST  
STE 1695  
CLEVELAND, OH 44199-2086

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (216)522-3715  
Fax: (216)522-2418

June 17, 2016

Robert Mignin, Esq.  
Baker & McKenzie LLP  
300 E Randolph St Ste 5000  
Chicago, IL 60601-5015

Ryan H. Vann, Esq.  
Baker & McKenzie LLP  
300 E Randolph St Ste 5000  
Chicago, IL 60601-5015

Re: Warren Steel Holdings LLC  
Case 08-CA-072781

Warren Steel Holdings, LLC  
Case 08-CA-076715

Dear Mr. Mignin and Mr. Vann:

The above-captioned cases have been closed on compliance. Please note that the closing is conditioned upon continued observance of the informal Settlement Agreement.

Very truly yours,

/s/ Allen Binstock

ALLEN BINSTOCK  
Regional Director

cc: Brad Manzolilo, Organizing Counsel  
United Steel, Paper And Forestry Rubber  
Manufacturing Energy Allied Industrial  
And Service Workers International Union,  
AFL-CIO, CLC  
60 Boulevard of Allies  
Five Gateway Center Room 807  
Pittsburgh, PA 15222

Gary G. Steinbeck, Sub-District Dir.  
United Steelworkers Of  
America, District 1, SubDistrict 1  
950 Youngstown Warren Rd  
Niles, OH 44446-4644

Mark Trapp, Plant Mgr.  
Warren Steel Holdings, LLC  
4000 Mahoning Ave NW  
Warren, OH 44483-1924

United Steel, Paper And Forestry, Rubber  
Manufacturing, Energy, Allied Industrial  
And Service Workers International Union,  
AFL-CIO, CLC  
5 Parkway Ctr Rm 913  
Pittsburgh, PA 15220-3608

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**DO NOT WRITE IN THIS SPACE**

Case

Date Filed

3/19/12

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer <b>Warren Steel Holdings, LLC</b>		b. Tel. No. <b>330-847-0487</b>
d. Address (street, city, state, ZIP code) <b>4000 Mahoning Avenue, Warren, Ohio 44483</b>	e. Employer Representative <b>Mark Trapp, Plant Manager</b>	f. Fax No.
i. Type of Establishment (factory, mine, wholesaler, etc.) <b>factory</b>		h. Number of workers employed <b>120</b>
j. Identify principal product or service <b>Melting &amp; Casting</b>		
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Since on or about November 20, 2011, the Employer, through its officers, agents, and representatives, has interfered with, restrained, and coerced, and is interfering with, restraining, and coercing employees of Warren Steel Holdings, LLC, in the exercise of their rights to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all such activities, which rights are guaranteed in Section 7 of the said Act.

On or about November 20, 2011, the Employer's (b) (6), (b) (7)(C), unlawfully solicited grievances from an employee and promised to remedy those grievances.

During the six-month period proceeding the filing of the charge, the Employer has maintained in its employee handbook overly broad work rules and policies that interfere with employees' Section 7 rights and restrict employees' rights to engage in protected concerted activity, including: (1) a non-disclosure and confidentiality policy that restricts and/or prohibits employees from discussing their wages and working conditions; (2) a rule that prohibits employees from leaving the company property or walking off their job without supervisory approval; (3) a rule that prohibits employees from "causing or maintaining high levels of conflict or tension within a work unit or between co-workers."

By the Acts set forth in the paragraph above and by other acts and conduct, it, by its officers, agents, and representatives, has interfered with, restrained and coerced and is interfering with, restraining, and coercing its employees in the exercise of their rights guaranteed in Section 7 of the said Act.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

**United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CIO**

**4a. Address (street and number, city, state, and ZIP code)**

**Five Gateway Center-Room 913, Pittsburgh, PA 15222**

**4b. Tel. No.**

**412-562-2529**

**4d. Fax No.**

**412-562-2555**

**5. Full name of national or international labor organization of which it is affiliate or constituent unit (to be filled in when charge is filed by a labor organization) United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CIO**

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Gary G. Steinbeck  
(signature) /s/ Gary G. Steinbeck

Sub-District Director  
(title)

**Tel. No.**

**330-603-0682**

**Fax No.**

**330-505-9198**

Address: United Steelworkers, 950 Youngstown-Warren Rd.  
Niles, OH 44446-4644

3/15/12  
(date)

**e-Mail**

**[gsteinbeck@usw.org]**

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

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UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 8  
1240 E 9TH ST  
STE 1695  
CLEVELAND, OH 44199-2086

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (216)522-3715  
Fax: (216)522-2418

March 22, 2012

MARK TRAPP, Plant Mgr.  
WARREN STEEL HOLDINGS LLC  
4000 MAHONING AVE NW  
WARREN, OH 44483-1924

Re: Warren Steel Holdings, LLC  
Case 08-CA-076808

Dear Mr. Trapp:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

FREDERICK J. CALATRELLO  
Regional Director

FJC/sz

cc: GARY G. STEINBECK, Sub-District Dir.  
UNITED STEELWORKERS OF  
AMERICA, DISTRICT 1,  
SUBDISTRICT 1  
950 YOUNGSTOWN WARREN RD  
NILES, OH 44446-4644

UNITED STEEL, PAPER &  
FORESTRY, RUBBER,  
MANUFACTURING, ENERGY,  
ALLIED INDUSTRIAL & SERVICE  
WORKERS INTERNATIONAL UNION  
5 PARKWAY CTR  
STE 807  
PITTSBURGH, PA 15220-3608

INTERNET  
FORM NLRB-602  
(2-08)UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
PETITION

FORM EXEMPT UNDER 41 U.S.C.

## DO NOT WRITE IN THIS SPACE

Case No.

Date Filed

10/18/12

INSTRUCTION: Submit an original of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.

The Petitioner alleges that the following circumstances exist and requests that the NLRB proceed under its proper authority pursuant to Section 9 of the NLRA.

1. PURPOSE OF THIS PETITION (If box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)
- ☒ **RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.
- ☐ **RM-REPRESENTATION (EMPLOYER PETITION)** - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
- ☐ **RD-DECERTIFICATION (REMOVAL OF REPRESENTATIVE)** - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
- ☐ **UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES)** - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
- ☐ **UC-UNIT CLARIFICATION** - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees (Check one) ☐ In unit not previously certified. ☐ In unit previously certified in Case No. \_\_\_\_\_
- ☐ **AC-AMENDMENT OF CERTIFICATION** - Petitioner seeks amendment of certification issued in Case No. \_\_\_\_\_ Attach amendment describing the specific amendment sought.

2. Name of Employer: **Warren Steel Holdings, LLC** Employer Representative to contact: **Mark Trapp, Plant Manager** Tel. No. **330-847-0487**

3. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code)

4000 Mahoning Avenue, Warren, OH 44483

4a. Type of Establishment (Factory, mine, wholesaler, etc.)

Factory

4b. Identify principal product or service

Melting and Casting

5. Unit involved (In UC petition, describe present bargaining unit and attach description of proposed clarification)

Included: All full time and regular part time production and maintenance employees at the employees Warren, OH facility.

Excluded:

All other employees, including office and clerical, security guards, supervisors and professional employees as defined by the Act.

(If you have checked box RC in 1 above, check and complete EMTI Item 7a or 7b, whichever is applicable)

7a. ☐ Request for recognition as Bargaining Representative was made on (Date) 10-18-12 and Employer declined recognition on or about (Date) 10-18-12 (If no reply received, so state)7b. ☐ Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8. Name of Recognized or Certified Bargaining Agent (If none, so state)

N/A

Affiliation

Address

Tel. No.

Date of Recognition or Certification

Fax No.

e-Mail

9. Expiration Date of Current Contract, if any (Month, Day, Year)

10. If you have checked box UD in 1 above, show here the date of execution of agreement granting Union shop (Month, Day and Year)

11a. Is there now a strike or picketing at the Employer's establishment(s) involved?

Yes ☐No ☐

11b. If so, approximately how many employees are participating?

11c. The Employer has been picketed by or on behalf of (Insert Name of organization, of (Insert Address))

Since (Month, Day, Year)

12. Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above. (If none, so state)

Name

Address

Tel. No.

Fax No.

Cell No.

e-Mail

13. Full name of party filing petition (If labor organization, give full name, including local name and number)

United Steel, Paper &amp; Forestry, Rubber, Manufacturing, Energy Allied Industrial and Service Workers International Union, AFL-CIO, CLC

14a. Address (street and number, city, state, and ZIP code)

25111 Miles Road, Suite H

Warrensville Heights, OH 44128-5419

14b. Tel. No.

EXT

330-603-0682

14c. Fax No.

216-292-5720

14d. Cell No.

14e. e-Mail gsteinbeck@usw.org

15. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (to be filled in when petition is filed by a labor organization)

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy Allied Industrial and Service Workers International Union, AFL-CIO, CLC

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print)

Gary G. Steinbeck

Signature

Gary G. Steinbeck

Title (if any)

Sub-District Director

Address (street and number, city, state, and ZIP code)

25111 Miles Road, Suite H

Warrensville Heights, OH 44128-5419

Tel. No. 330-603-0682

Fax No. 216-292-5720

Cell No.

e-Mail gsteinbeck@usw.org

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

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UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 8  
1240 E 9TH ST  
STE 1695  
CLEVELAND, OH 44199-2086

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (216)522-3715  
Fax: (216)522-2418

November 9, 2012

Ryan H. Vann, Esq.  
Baker & McKenzie LLP  
300 E Randolph St, Suite 300  
Chicago, IL 60601-5014

Re: WARREN STEEL HOLDINGS, LLC  
Case 08-RC-091576

Dear Mr. Vann:

This is to advise you that the Petitioner's request to withdraw the petition in the above case has been approved.

Very truly yours,

Frederick J. Calatrello  
Regional Director

FJC:cj

cc: Mark Trapp, Plant Mgr.  
Warren Steel Holdings LLC  
4000 Mahoning Ave NW  
Warren, OH 44483-1924

Gary G. Steinbeck, Sub-Dist Dir  
United Steel, Paper and Forestry,  
Rubber, Manufacturing, Energy, Allied  
Industrial and Service Workers  
International Union, AFL-CIO, CLC  
25111 Miles Rd, Suite H  
Warrensville Heights, OH 44128-5419

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
08-CA-146522	2/18/15

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring

1 EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a Name of Employer <b>WARREN STEEL HOLDINGS LLC</b>		b Tel No <b>(330)847-0487</b>	
		c Cell No	
d Address (street, city, state ZIP code) <b>4000 Mahoning Ave NW, Warren, OH 44483-1924</b>		e Employer Representative <b>MARK TRAPP, Plant Manager</b>	
		f Fax No	
		g e-Mail	
		h Dispute Location (City and State) <b>Warren, OH</b>	
i Type of Establishment (factory, nursing home, hotel) <b>Factory</b>		j Principal Product or Service <b>Melting and Casting</b>	
		k Number of workers at dispute location <b>120</b>	
l The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1)(3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act			
2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Since on or about February 11, 2015, it, through its officers, agents, and representatives, has interfered with, restrained, and coerced, and is interfering with, restraining, and coercing employees of, in the exercise of their rights to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all such activities, which rights are guaranteed in Section 7 of the said Act.</p> <p>On or about, it, by its officers, agents, and representatives, discriminated against, because of activities in behalf of, a labor organization, and at all times since such date it has refused and does now refuse to employ the above-named employee.</p> <p>More specifically, the Employer violated the settlement agreement reached in 08-CA-072781.</p> <p>By the acts set forth in the paragraphs above, and by other acts and conduct, it, by its officers, agents and representatives, has interfered with, restrained and coerced and is interfering with, restraining and coercing its employees in the exercise of their rights guaranteed in Section 7 of the said Act.</p>			
3 Full name of party filing charge (if labor organization, give full name, including local name and number) <b>(b) (6), (b) (7)(C)</b>			
4a Address (street and number, city, state, and ZIP code) <b>(b) (6), (b) (7)(C)</b>		4b Tel No	
		4c Cell No <b>(b) (6), (b) (7)(C)</b>	
		4d Fax No	
		4e e-Mail <b>(b) (6), (b) (7)(C)</b>	
5 Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filed in when charge is filed by a labor organization)			
6 DECLARATION I declare (b) (6), (b) (7)(C) above charge and that the statements are true to the best of my knowledge and belief. By <b>(b) (6), (b) (7)(C)</b> (signature of representative of party making charge)		Tel No	
Print Name and Title <b>(b) (6), (b) (7)(C)</b>		Office, if any, Cell No <b>(b) (6), (b) (7)(C)</b>	
Address <b>(b) (6), (b) (7)(C)</b> <b>(b) (6), (b) (7)(C)</b>		Fax No	
Date <b>2/18/15</b>		e-Mail <b>(b) (6), (b) (7)(C)</b>	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**FIRST AMENDED CHARGE AGAINST EMPLOYER**  
INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
08-CA-146522	3/10/15

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1 EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer <b>WARREN STEEL HOLDINGS LLC</b>		b. Tel No <b>(330)847-0487</b>	
		c. Cell No.	
d. Address (street, city, state ZIP code) <b>4000 Mahoning Ave NW, Warren, OH 44483-1924</b>		e. Employer Representative <b>MARK TRAPP</b>	
		f. Fax No.	
		g. e-Mail	
		h. Dispute Location (City and State) <b>Warren, OH</b>	
i. Type of Establishment (factory, nursing home, hotel) <b>Factory</b>		j. Principal Product or Service <b>Melting and Casting</b>	
		k. Number of workers at dispute location <b>120</b>	
<p>1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</p> <p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about (b) (6), (b) (7)(C) 2014, it, through its officers, agents, and representatives, has interfered with, restrained, and coerced, and is interfering with, restraining, and coercing employees of, in the exercise of their rights to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all such activities, which rights are guaranteed in Section 7 of the said Act.</p> <p>On or about (b) (6), (b) (7)(C) 2014 and continuously thereafter, it, by its officers, agents, and representatives, discriminated against (b) (6), (b) (7)(C), because of activities in behalf of United Steel, Paper and Forestry Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC, a labor organization. More specifically, the Employer violated the settlement agreement reached in 08-CA-072781, by providing a negative reference and false information concerning (b) (6), (b) (7)(C) permanently leaving position at the Employer's facility.</p> <p>By the acts set forth in the paragraphs above, and by other acts and conduct, it, by its officers, agents and representatives, has interfered with, restrained and coerced and is interfering with, restraining and coercing its employees in the exercise of their rights guaranteed in Section 7 of the said Act.</p>			
3. Full name of party filing charge (if labor organization, give full name, including local name and number) <b>(b) (6), (b) (7)(C)</b>			
4a. Address (street and number, city, state, and ZIP code) <b>(b) (6), (b) (7)(C)</b>		4b. Tel. No.	
		4c. Cell No. <b>(b) (6), (b) (7)(C)</b>	
		4d. Fax No.	
		4e. e-Mail <b>(b) (6), (b) (7)(C)</b>	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By <b>(u) (6), (u) (7)(C)</b> (signature or representative or person making charge)		Tel. No.	
Print Name and Title <b>(b) (6), (b) (7)(C)</b>		Office, if any, Cell No. <b>(b) (6), (b) (7)(C)</b>	
Address: <b>(b) (6), (b) (7)(C)</b> <b>(b) (6), (b) (7)(C)</b>		Fax No.	
Date: <b>03/05/15</b>		e-Mail <b>(b) (6), (b) (7)(C)</b>	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

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UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 8  
1240 E 9TH ST  
STE 1695  
CLEVELAND, OH 44199-2086

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (216)522-3715  
Fax: (216)522-2418

October 27, 2015

RYAN H. VANN, ATTORNEY  
BAKER & MCKENZIE LLP  
300 E. RANDOLPH ST SUITE 5000  
CHICAGO, IL 60601-5015

MATTHEW BROWN, ATTORNEY  
BAKER & MCKENZIE LLP  
300 E. RANDOLPH ST SUITE 5000  
CHICAGO, IL 60601-5015

Re: Warren Steel Holdings LLC  
Case 08-CA-146522

Gentlemen:

The Charging Party has asked to withdraw the above charge based upon a private agreement between the parties. I have approved this request, conditioned on the performance of the undertakings in that private agreement.

The charge is subject to reinstatement for further processing if the Charging Party requests reinstatement and supports its request with evidence of non-compliance with the undertakings in the private agreement.

Very truly yours,

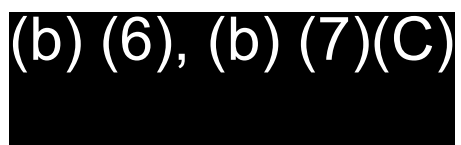
/s/Allen Binstock

ALLEN BINSTOCK  
Regional Director

AB/dlc

cc: MARK TRAPP, PLANT MGR.  
WARREN STEEL HOLDINGS, LLC  
4000 MAHONING AVE NW  
WARREN, OH 44483-1924

(b) (6), (b) (7)(C)





INTERNET  
FORM NLRB-502  
(2-09)UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
PETITION

FORM EXEMPT UNDER 44 U.S.C.

DO NOT WRITE IN THIS SPACE

Case No.  
08-RC-147440Date Filed  
3/3/15

INSTRUCTIONS: Submit an original of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.

The Petitioner alleges that the following circumstances exist and requests that the NLRB proceed under its proper authority pursuant to Section 9 of the NLRA.

1. PURPOSE OF THIS PETITION (If box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)

- ☒ **RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.
- ☐ **RM-REPRESENTATION (EMPLOYER PETITION)** - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
- ☐ **RD-DECLARATION (REMOVAL OF REPRESENTATIVE)** - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
- ☐ **UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES)** - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
- ☐ **UC-UNIT CLARIFICATION** - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees: (Check one) ☐ In unit not previously certified. ☐ If unit previously certified in Case No. \_\_\_\_\_
- ☐ **AC-AMENDMENT OF CERTIFICATION** - Petitioner seeks amendment of certification issued in Case No. \_\_\_\_\_ Attach statement describing the specific amendment sought.

2. Name of Employer <b>Warren Steel Holdings</b>		Employer Representative to contact <b>John Scheel</b>		Tel. No. <b>330-847-0487</b>
3. Address(es) of establishment(s) involved (Street and number, city, State, ZIP code) <b>4000 Mahoning Avenue, Warren, OH 44483</b>		Fax No. <b>330-847-9130</b>		
4a. Type of Establishment (Factory, mine, wholesaler, etc.) <b>Factory</b>		4b. Identify principal product or service <b>Steel Producing</b>		Cell No.  e-Mail
5. Unit Involved (If RC petition, describe present bargaining unit and attach description of proposed clarification.) <b>Included</b> <b>All Production and Maintenance Employees</b>  <b>Excluded</b> <b>All office, clerical, confidential and professional employees and guards and supervisors as defined by the Act.</b>		8a. Number of Employees in Unit: <b>Present</b> <b>approximately 150</b> <b>Proposed (By UC/AC)</b>		6b. Is this petition supported by 30% or more of the employees in the unit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No *Not applicable in RM, UC, and AC

(If you have checked 1 box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)

7a. <input checked="" type="checkbox"/> Request for recognition as Bargaining Representative was made on (Date) <b>2-10-15</b> and Employer declined recognition on or about (Date) <b>No Reply</b> (If no reply received, so state).		7b. <input type="checkbox"/> Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.	
8. Name of Recognized or Certified Bargaining Agent (if none, so state) <b>None</b>		Affiliation	
Address <b>RECEIVED</b> <b>MAR - 3 2015</b>		Tel. No.  Cell No.	
		Date of Recognition or Certification  Fax No.  e-Mail	

9. Expiration Date of Current Contract, if any (Month, Day, Year)		10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day and Year)	
11a. Is there now a strike or picketing at the Employer's establishment(s) involved? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		11b. If so, approximately how many employees are participating?	
11c. The Employer has been picketed by or on behalf of (Insert Name) _____, a labor organization, of (Insert Address) _____ Since (Month, Day, Year) _____			
12. Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above. (If none, so state)			

Name	Address	Tel. No.	Fax No.
		Cell No.	e-Mail

13. Full name of party filing petition (If labor organization, give full name, including local name and number) <b>United Steel, Paper &amp; Forestry, Rubber, Manufacturing, Energy Allied Industrial and Service Workers International Union</b>			
14a. Address (street and number, city, state, and ZIP code) <b>25111 Miles Road Suite H Warrensville Heights, OH 44128</b>		14b. Tel. No. EXT <b>216-292-5683</b>	14c. Fax No. <b>216-292-5720</b>
		14d. Cell No. <b>216-287-1664</b>	14e. e-Mail <b>pgallagher@usw.org</b>

15. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (to be filled in when petition is filed by a labor organization) <b>United Steel, Paper &amp; Forestry, Rubber, Manufacturing, Energy Allied Industrial and Service Workers International Union</b>			
I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.			
Name (Print) <b>Patrick Gallagher</b>	Signature <b>Patrick Gallagher</b>	Title (if any) <b>Sub-District Director</b>	
Address (street and number, city, state, and ZIP code) <b>25111 Miles Road Suite H Warrensville Heights, OH 44128</b>		Tel. No. <b>216-292-5683</b>	Fax No. <b>216-292-5720</b>
		Cell No. <b>216-287-1664</b>	e-Mail <b>pgallagher@usw.org</b>

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

Date Filed  
Mar 3, 2015

WARREN STEEL HOLDINGS, LLC

Employer

and

UNITED STEEL, PAPER & FORESTRY, RUBBER,  
MANUFACTURING, ENERGY ALLIED INDUSTRIAL &  
SERVICE WORKERS INTERNATIONAL UNION

Petitioner

Case No. 08-RC-147440

Date Issued 04/14/2015

City WARREN

State OHIO

Type of Election:  
(Check one:)

- ☒ Stipulation  
☐ Board Direction  
☐ Consent Agreement  
☐ RD Direction  
Incumbent Union (Code)

(If applicable check  
either or both:)

- ☐ 8(b) (7)  
☐ Mail Ballot

## TALLY OF BALLOTS

The undersigned agent of the Regional Director certifies that the results of tabulation of ballots case in the election held in the above case, and concluded on the date indicated above, were as follows:

1. Approximate number of eligible voters 150
2. Number of Void ballots 0
3. Number of Votes cast for UNITED STEEL, PAPER & FORESTRY, RUBBER, MANUFACTURING,  
ENERGY ALLIED INDUSTRIAL & SERVICE WORKERS  
INTERNATIONAL UNION 77
4. Number of Votes cast for XXXXXXXXXXXX
5. Number of Votes cast for XXXXXXXXXXXX
6. Number of Votes cast against participating labor organization(s) 48
7. Number of Valid votes counted (sum 3, 4, 5, and 6) 125
8. Number of challenged ballots 9
9. Number of Valid votes counted plus challenged ballots (sum of 7 and 8) 134
10. Challenges are (not) sufficient in number to affect the results of the election.
11. A majority of the valid votes counted plus challenged ballots (Item 9) has (not) been cast for UNITED STEEL, PAPER & FORESTRY,  
RUBBER, MANUFACTURING, ENERGY ALLIED INDUSTRIAL & SERVICE WORKERS INTERNATIONAL UNION

For the Regional Director

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

For WARREN STEEL HOLDINGS, LLC

For UNITED STEEL, PAPER & FORESTRY, RUBBER, MANUFACTURING, ENERGY ALLIED INDUSTRIAL & SERVICE  
WORKERS INTERNATIONAL UNION

For

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 8**

**WARREN STEEL HOLDINGS, LLC**

**Employer**

**and**

**UNITED STEEL, PAPER & FORESTRY,  
RUBBER, MANUFACTURING, ENERGY ALLIED  
INDUSTRIAL & SERVICE WORKERS  
INTERNATIONAL UNION**

**Case 08-RC-147440**

**Petitioner**

**TYPE OF ELECTION: STIPULATED**

**CERTIFICATION OF REPRESENTATIVE**

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board, it is certified that a majority of the valid ballots have been cast for

**UNITED STEEL, PAPER & FORESTRY, RUBBER,  
MANUFACTURING, ENERGY ALLIED INDUSTRIAL &  
SERVICE WORKERS INTERNATIONAL UNION**

and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit.

**Unit:** All full-time and regular part-time production and maintenance employees employed by the Employer at its 4000 Mahoning Avenue NW, Warren, Ohio but excluding all confidential employees, office clerical employees, professional employees, guards and supervisors as defined in the Act.



April 23, 2015

---

ALLEN BINSTOCK  
Regional Director, Region 8  
National Labor Relations Board



## NOTICE OF BARGAINING OBLIGATION

In the recent representation election, a labor organization received a majority of the valid votes cast. Except in unusual circumstances, unless the results of the election are subsequently set aside in a post-election proceeding, the employer's legal obligation to refrain from unilaterally changing bargaining unit employees' terms and conditions of employment begins on the date of the election.

The employer is not precluded from changing bargaining unit employees' terms and conditions during the pendency of post-election proceedings, **as long as** the employer (a) gives sufficient notice to the labor organization concerning the proposed change(s); (b) negotiates in good faith with the labor organization, upon request; and (c) good faith bargaining between the employer and the labor organization leads to agreement or overall lawful impasse.

This is so even if the employer, or some other party, files objections to the election pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (the Board). If the objections are later overruled and the labor organization is certified as the employees' collective-bargaining representative, the employer's obligation to refrain from making unilateral changes to bargaining unit employees' terms and conditions of employment begins on the date of the election, not on the date of the subsequent decision by the Board or court. Specifically, the Board has held that, absent exceptional circumstances,<sup>1</sup> an employer acts at its peril in making changes in wages, hours, or other terms and conditions of employment during the period while objections are pending and the final determination about certification of the labor organization has not yet been made.

It is important that all parties be aware of the potential liabilities if the employer unilaterally alters bargaining unit employees' terms and conditions of employment during the pendency of post-election proceedings. Thus, typically, if an employer makes post-election changes in employees' wages, hours, or other terms and conditions of employment without notice to or consultation with the labor organization that is ultimately certified as the employees' collective-bargaining representative, it violates Section 8(a)(1) and (5) of the National Labor Relations Act since such changes have the effect of undermining the labor organization's status as the statutory representative of the employees. This is so even if the changes were motivated by sound business considerations and not for the purpose of undermining the labor organization. As a remedy, the employer could be required to: 1) restore the status quo ante; 2) bargain, upon request, with the labor organization with respect to these changes; and 3) compensate employees, with interest, for monetary losses resulting from the unilateral implementation of these changes, until the employer bargains in good faith with the labor organization, upon request, or bargains to overall lawful impasse.

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<sup>1</sup> Exceptions may include the presence of a longstanding past practice, discrete event, or exigent economic circumstance requiring an immediate response.

FORM NLRB  
 3-2002  
 (2-0a)

 UNITED STATES GOVERNMENT  
 NATIONAL LABOR RELATIONS BOARD  
 PETITION

FORM EXEMPT UNDER 44 U.S.C.

DO NOT WRITE IN THIS SPACE

Case No.

Date Filed

INSTRUCTIONS: Submit an original of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.

The Petitioner alleges that the following circumstances exist and requests that the NLRB proceed under its proper authority pursuant to Section 9 of the NLRA.

1. PURPOSE OF THIS PETITION (If box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)
- ☒ RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.
- ☐ RM-REPRESENTATION (EMPLOYER PETITION) - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
- ☐ RD-DECLARATION (REMOVAL OF REPRESENTATIVE) - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
- ☐ UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES) - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
- ☐ UC-UNIT CLARIFICATION - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees: (Check one) ☐ In unit not previously certified, ☐ In unit previously certified in Case No. \_\_\_\_\_
- ☐ AC-AMENDMENT OF CERTIFICATION - Petitioner seeks amendment of certification issued in Case No. \_\_\_\_\_. Attach statement describing the specific amendment sought.

2. Name of Employer Warren Steel Holdings		Employer Representative to contact John Scheel		Tel. No. 330-847-0487	
3. Address(es) of Establishment(s) Involved (Street and number, city, State, ZIP code) 4000 Mahoning Avenue, Warren, OH 44483				Fax No. 330-847-9130	
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Factory		4b. Identify principal product or service Steel Producing		Cell No.	
				e-Mail	
5. Unit Involved (In UC petition, describe present bargaining unit and attach description of proposed clarification) Included All Production and Maintenance Employees  Excluded All office, clerical, confidential and professional employees and guards and supervisors as defined by the Act.				6a. Number of Employees in Unit: Present approximately 150 Proposed (By UC/AC)	
6b. Is this petition supported by 30% or more of the employees in the unit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No *Not applicable in RM, UC, and AC					

(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)

7a. <input checked="" type="checkbox"/> Request for recognition as Bargaining Representative was made on (Date) - 2-10-15 and Employer declined recognition on or about (Date) No Reply - 3-9 (If no reply received, so state).	
7b. <input type="checkbox"/> Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.	
8. Name of Recognized or Certified Bargaining Agent (If none, so state) None	
Address	
Affiliation	
Date of Recognition or Certification	
Fax No.	
e-Mail	
9. Expiration Date of Current Contract, if any (Month, Day, Year)	
10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day and Year)	
11a. Is there now a strike or picketing at the Employer's establishment(s) (Involved) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
11b. If so, approximately how many employees are participating?	
11c. The Employer has been picketed by or on behalf of (Insert Name) _____, a labor organization, of (Insert Address) _____ Since (Month, Day, Year) _____	
12. Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above. (If none, so state)	
Name	Address
Tel. No.	Fax No.
Cell No.	e-Mail

13. Full name of party filing petition (If labor organization, give full name, including local name and number) United Steel, Paper & Forestry, Rubber, Manufacturing, Energy Allied Industrial and Service Workers International Union			
14a. Address (street and number, city, state, and ZIP code) 25111 Miles Road Suite H Warrensville Heights, OH 44128		14b. Tel. No. EXT 216-292-5683	14c. Fax No. 216-292-5720
		14d. Cell No. 216-287-1664	14e. e-Mail pgallagher@usw.org
15. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (to be filled in when petition is filed by a labor organization) United Steel, Paper & Forestry, Rubber, Manufacturing, Energy Allied Industrial and Service Workers International Union			
I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.			
Name (Print) Patrick Gallagher		Signature <i>Patrick Gallagher</i>	
Address (street and number, city, state, and ZIP code) 25111 Miles Road Suite H Warrensville Heights, OH 44128		Title (if any) Sub-District Director	
		Tel. No. 216-292-5683	Fax No. 216-292-5720
		Cell No. 216-287-1664	e-Mail pgallagher@usw.org

 WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
 PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 8  
1240 E 9TH ST  
STE 1695  
CLEVELAND, OH 44199-2086

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (216)522-3715  
Fax: (216)522-2418

March 17, 2015

John Scheel  
Warren Steel Holdings LLC  
4000 Mahoning Ave NW  
Warren, OH 44483-1924

Re: Warren Steel Holdings  
Case 08-RC-147719

Dear Mr. Scheel:

This is to advise you that the Petitioner's request to withdraw the petition in the above case has been approved.

Very truly yours,

Allen Binstock  
Regional Director

AB:cj

cc: Patrick Gallagher, Sub-District Director  
United Steel Paper & Forestry, Rubber,  
Manufacturing, Energy Allied Industrial  
& Service Workers International Union  
25111 Miles Rd, Ste H  
Warrensville Heights, OH 44128-5419

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case 9-CA-44441

Date Filed  
JUN 17, 2008

## INSTRUCTIONS:

File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer  Felman Production		b. Number of workers employed  appx. 180
c. Address (Street, city, state, and ZIP code) 4442 Graham station Road Letart, W. Va. 25253	d. Employer Representative James Zerkle	e. Telephone No. 304-882-1181 Fax No. ( ) -
f. Type of Establishment (factory, mine, wholesaler, etc.) Factory	g. Identify principal product or service Metal Alloy	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) <u>(4) concerted activities</u> of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  The Incident occurred on the <u>(b) (6), (b) (7)(C)</u> /2008 when <u>(b) (6), (b) (7)(C)</u> where sent home because they acted upon their rights protected under the OSHA Act Section 13 (a), Imminent Danger Clause.		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) United Steel Workers Local 5171		
4a. Address (Street and number, city, state, and ZIP code) P.O. Box 67 Hartford, W.Va. 25247		4b. Telephone No. ( ) -304-675-4838 Fax No. ( ) -
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) United Steel Workers		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By <u>Royal F. Martin</u> (signature of representative or person making charge)  Address <u>Rt 1 Box 199, Point Pleasant, WV -25550</u>  (fax) ( ) - ( ) -304-675-4838 (Telephone No.)  6/16/08 (date)  Royal F. Martin President (Print/type name and title or office, if any)		

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



United States Government

## **NATIONAL LABOR RELATIONS BOARD**

Region 9

3003 John Weld Peck Federal Building

550 Main Street

Cincinnati, Ohio 45202-3271

Telephone: (513) 684-3686

Facsimile: (513) 684-3946

August 6, 2008

Mr. Royal F. Martin  
President  
United Steel Workers Local 5171  
P.O. Box 67  
Hartford, WV 25247

Re: Felman Production  
Case 9-CA-44441

Dear Mr. Martin:

This will acknowledge your request to withdraw the charge filed in the above-entitled matter. I have approved such withdrawal and the case is closed on our records.

Very truly yours,

Gary W. Muffley  
Regional Director

GWM/LGM/md

cc: Mr. James Zerkle, Felman Production, 4442 Graham Station Road,  
Letart, WV 25253

Mr. Riklin Brown, Attorney at Law, Bowles, Rice, McDavid, Graff & Love,  
600 Quarrier Street, Charleston, WV 25301

Mr. Royal F. Martin, Route 1 Box 199, Point Pleasant, WV 25550

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

## DO NOT WRITE IN THIS SPACE

Case

9-CA-44442

Date Filed

JUN 17, 2008

## INSTRUCTIONS:

File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Felman Production

b. Number of workers employed

appx. 180

c. Address (Street, city, state, and ZIP code)

4442 Graham Station Rd.  
Letart, W. Va. 25253

d. Employer Representative

James Zerkle, Ben Anderson

e. Telephone No.

(304) 882-1181

Fax No.

( ) -

f. Type of Establishment (factory, mine, wholesaler, etc.)

Factory

g. Identify principal product or service

Metal Alloy

h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (4) concerted activities of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

The incident occurred on or about the week of (b) (6), (b) (7)(C)/08 appx. one week after an OSHA investigation, the (b) (6), (b) (7)(C) crew was harassed, intimidated, falsely written up after their participation in the OSHA investigation.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

United Steel Workers Local 5171

4a. Address (Street and number, city, state, and ZIP code)

P.O. Box 67  
Hartford W.Va. 25247

4b. Telephone No.

( ) -304-675-4838

Fax No.

( ) -

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

United Steel Workers

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

Royal S. Martin

(signature of representative or person making charge)

Royal S. Martin President

(Print/type name and title or office, if any)

Address Rt 1 Box 199, Point Pleasant, WV 25550

(fax) ( ) -

( ) -304-675-4838

(Telephone No.)

6/18/08

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**AMENDED CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE

9-CA-44442

Aug. 21, 2008

**INSTRUCTIONS**

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Felman Production		b. Number of workers employed Approx. 180
c. Address (street, city, state, ZIP code) 4442 Graham Station Road Letart, W V 25253	d. Employer Representative James Zerkle, Ben Anderson	e. Telephone No. (304) 882-1181 Fax No.
f. Type of Establishment (factory, mine, wholesaler, etc.) Factory	g. Identify principal product or service Metal Alloy	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

On about January 23, 2008, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) threatened that employee (b) (6), (b) (7)(C) had better watch (b) (6) back, or words to that effect, for engaging in protected concerted activities by calling OSHA regarding safety concerns at the Employer.

On about (b) (6), (b) (7)(C) 2008, the Employer issued a written warning to (b) (6), (b) (7)(C) because (b) (6) engaged in protected concerted activities.

On about (b) (6), (b) (7)(C) 2008, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) engaged in unusually close and prolonged observation of (b) (6), (b) (7)(C) and criticized (b) (6) performance of routine job functions because (b) (6) engaged in protected concerted activities.

By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.

**3. Full Name of party filing charge (if labor organization, give full name, including local name and number)**

United Steelworkers of America, Local 5171, AFL-CIO-CLC

4a. Address (street and number, city, state and ZIP code) P.O. Box 67 Hartford, W V 25247	4b. Telephone No. (304) 675-4838 Fax No.
---	--

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization.)**

United Steelworkers of America, AFL-CIO-CLC

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Royal F. Martin Title- President  
Signature of representative or person making charge Royal F. Martin

Address Route 1 Box 199  
Point Pleasant, WV 25550

Fax No. \_\_\_\_\_  
Date 8-15-08  
Telephone No. (304) 675-4838

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. §151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



United States Government

## NATIONAL LABOR RELATIONS BOARD

Region 9

3003 John Weld Peck Federal Building

550 Main Street

Cincinnati, Ohio 45202-3271

Telephone: (513) 684-3686

Facsimile: (513) 684-3946

August 26, 2008

Mr. Royal F. Martin  
President  
United Steel Workers Local 5171  
P.O. Box 67  
Hartford, WV 25247

Mr. Ricklin Brown  
Attorney at Law  
Bowles, Rice, McDavid, Graff & Love  
600 Quarrier Street  
P.O. Box 1386  
Charleston, WV 25335

Re: Felman Production  
Case 9-CA-44442

Gentlemen:

The Region has carefully considered the charge filed against [Felman Production](#) alleging it violated the National Labor Relations Act. As explained below, I have decided that further proceedings on that charge should be handled in accordance with the Board's deferral policy.

***Deferral Policy:*** The Board's deferral policy provides that this Agency will withhold making a final determination on certain arguably meritorious unfair labor practice charges when a grievance involving the same issue can be processed under the grievance/arbitration provisions of the applicable contract. *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This policy is based, in part, on the preference that the parties should resolve certain issues through their contractual grievance procedure in order to achieve a prompt, fair and effective settlement of their dispute. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Regional Office will defer the charge. However, this policy requires that a charge be dismissed if the charging party thereafter fails to promptly file and attempt to process a grievance on the subject matter of the charge.

***Decision to Defer:*** Based on our investigation, I am deferring further proceedings on [the charge](#) to the grievance/arbitration process for the following reasons:

(over)



1. The charge alleges: The Employer violated Section 8(a)(1) of the Act by threatening employee (b) (6), (b) (7)(C) with retaliation on (b) (6), (b) (7)(C) 2008, issuing (b) (6), (b) (7)(C) a written warning on (b) (6), (b) (7)(C) 2008 and engaging in unusually long and close observation and criticism of (b) (6), (b) (7)(C) work on or about (b) (6), (b) (7)(C) 2008 all because (b) (6), (b) (7)(C) engaged in protected concerted activities.
2. The Employer and the Union have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.
3. The Employer is willing to process a grievance concerning the above allegations in the charge and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.
4. Since the above allegations in the charge appear to be covered by certain provisions of the collective-bargaining agreement, it is likely that such allegations may be resolved through the grievance/arbitration procedure.

***Further Processing of the Charge:*** As explained below, while the charge is deferred, the Region will monitor the processing of the grievance and, under certain circumstances, will resume processing the charge.

***Charging Party's Obligation:*** Under the Board's *Collyer* deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly file or submit the grievance to the grievance/arbitration process, or declines to have the grievance arbitrated if it is not resolved, I will dismiss the charge.

***Charged Party's Conduct:*** If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

***Inquiries and Requests for Further Processing:*** Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and whether continued deferral is appropriate. However, I will accept and consider at any time requests and supporting evidence submitted by any party to this matter for dismissal of the charge for continued deferral of the charge or for issuance of a complaint.

***Notice to Arbitrator Form:*** If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the award is sent to the parties.

***Review of Arbitrator's Award:*** If the grievance is arbitrated, the Charging Party may request that this office review the arbitrator's award. The request must be in writing and addressed to me. The request should discuss whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is clearly repugnant to the Act. Further guidance on the nature

of this review is provided in *Spielberg Mfg. Co.*, 112 NLRB 1080 (1955), and *Olin Corp.*, 268 NLRB 573 (1984).

**Your Right to Appeal:** The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing an appeal with the GENERAL COUNSEL of the National Labor Relations Board. Use of the Appeal Form (Form NLRB-4767) will satisfy this requirement. However, you are encouraged to submit a complete statement setting forth the facts and reasons why you believe that the decision to dismiss your charge was incorrect.

The appeal may be filed by regular mail addressed to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. A copy of the appeal should also be mailed to the Regional Director.

An appeal also may be filed electronically by using the E-filing system on the Agency's Website. In order to file an appeal electronically, please go to the Agency's Website at [www.nlr.gov](http://www.nlr.gov) and select the **E-Gov** tab and click on **E-Filing**. Scroll to the General Counsel's Office of Appeals. Select the type of document you wish to file electronically and you will navigate to detailed instructions on how to file an appeal electronically.

The appeal MAY NOT be filed by facsimile transmission.

**Appeal Due Date:** The appeal must be received by the General Counsel in Washington D.C. by the close of business at 5:00 p.m. (EDT) on September 9, 2008. If you mail the appeal, it will be considered timely filed if it is postmarked no later than one day before the due date set forth above. If you file the appeal electronically, it also must be received by the General Counsel by the close of business at 5:00 p.m. (ET) on September 9, 2008. A failure to timely file an appeal electronically will not be excused on the basis of a claim that transmission could not be accomplished because the receiving machine was off-line or unavailable, the sending machine malfunctioned, or for any other electronic-related reason.

**Extension of Time to File Appeal:** Upon good cause shown, the General Counsel, may grant you an extension of time to file the appeal. You may file a request for an extension of time to file by mail, facsimile transmission, or through the Internet. The fax number is (202) 273-4283. Special instructions for requesting an extension of time over the Internet are set forth in the attached Access Code Certificate. While an appeal will be accepted as timely filed if it is postmarked no later than one day prior to the appeal due date, this rule does not apply to requests for extension of time. A request for an extension of time to file an appeal **must be received** on or before the original appeal due date. A request that is postmarked prior to the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed through the Internet, a copy of any request for extension of time should be sent to me.

**Confidentiality/Privilege:** Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. Further, we are required by the Federal Records Act to keep

copies of documents used in our case handling for some period of years after a case closes. Accordingly, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential source, commercial/financial information or personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(D), 5 U.S.C. § 552(b)(4), (6), (7)(C), and 7(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

**Notice to Other Parties of Appeal:** You should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is mailed to the General Counsel, please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter.

Very truly yours,

Gary W. Muffley  
Regional Director

GWM/LGM/md

Enclosures (5)

cc: Mr. Royal F. Martin  
Route 1 Box 199  
Point Pleasant, WV 25550

Mr. James Zerkle  
Mr. Ben Anderson  
Felman Production  
4442 Graham Station Road  
Letart, WV 25253

Mr. Gary W. Muffley  
Regional Director  
National Labor Relations Board, Region 9  
3003 John Weld Peck Federal Building  
550 Main Street  
Cincinnati, OH 45202

Mr. Ronald Meisburg  
General Counsel  
National Labor Relations Board  
1099 - 14th Street, N.W.  
Washington, D.C. 20570



United States Government

## **NATIONAL LABOR RELATIONS BOARD**

Region 9

3003 John Weld Peck Federal Building

550 Main Street

Cincinnati, Ohio 45202-3271

Telephone: (513) 684-3686

Facsimile: (513) 684-3946

February 3, 2009

Mr. Royal F. Martin  
President  
United Steel Workers Local 5171  
P.O. Box 67  
Hartford, WV 25247

Re: Felman Production  
Case 9-CA-44442

Dear Mr. Martin:

This will acknowledge your request to withdraw the charge filed in the above-entitled matter. I have approved such withdrawal and the case is closed on our records.

Very truly yours,

Gary W. Muffley  
Regional Director

GWM/LGM/md

cc: Mr. James Zerkle, Mr. Ben Anderson, Felman Production,  
4442 Graham Station Road, Letart, WV 25253

Mr. Ricklin Brown, Attorney at Law, Bowles, Rice, McDavid, Graff & Love,  
600 Quarrier Street, P.O. Box 1386, Charleston, WV 25335

Mr. Royal F. Martin, Route 1 Box 199, Point Pleasant, WV 25550

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

9-CA-44443

Date Filed

JUN 17, 2008

## INSTRUCTIONS:

File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer  Felman Production		b. Number of workers employed  appx. 180
c. Address (Street, city, state, and ZIP code) 4442 Graham station Road Letart, W. Va. 25253	d. Employer Representative James Zerkle	e. Telephone No. 304-882-1181 Fax No. ( ) -
f. Type of Establishment (factory, mine, wholesaler, etc.) Factory	g. Identify principal product or service Metal Alloy	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (4) concerted activities of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

The Incident occurred on the (b) (6), (b) (7) 2008 appx. 60 days after the OSHA time line expired Section 11 (c) WBPP. When one of these (b) (6), (b) (7) were discharged, after (b) (6), (b) (7) known participation with the investigation and possible a second for same reason. It is the belief of this local it is a Direct result of their participation in the investigation of an incident, which occurred on the (b) (6), (b) (7) 2008.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

United Steel Workers Local 5171

4a. Address (Street and number, city, state, and ZIP code) P.O. Box 67 Hartford, W.Va. 25247	4b. Telephone No. ( ) - 304-675-4838 Fax No. ( ) -
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## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

United Steel Workers

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Royel F. Martin  
(signature of representative or person making charge)Royel F. Martin (President)  
(Print type name and title or office, if any)Address Rt 1 Box 199, Point Pleasant, WV 25550

(fax) ( ) -

( ) - 304-675-4838

(Telephone No.)

6/18/08  
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES OF AMERICA

NATIONAL LABOR RELATIONS BOARD

**AMENDED CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case  
9-CA-44443Date Filed  
Aug. 21, 2008**INSTRUCTIONS**

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Felman Production		b. Number of workers employed Approx. 180
c. Address (street, city, state, ZIP code) 4442 Graham Station Road Letart, WV 25253	d. Employer Representative James Zerkle	e. Telephone No. (304) 882-1181 Fax No.
f. Type of Establishment (factory, mine, wholesaler, etc.) Factory	g. Identify principal product or service Metal Alloy	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

On about (b) (6), (b) (7)(C), 2008, the Employer discharged (b) (6), (b) (7)(C) because (b) (6) engaged in protected concerted activities.

By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.

**3. Full Name of party filing charge (if labor organization, give full name, including local name and number)**

United Steelworkers of America, Local 5171, AFL-CIO-CLC

**4a. Address (street and number, city, state and ZIP code)**P.O. Box 67  
Hartford, WV 25247**4b. Telephone No.**(304) 675-4838  
Fax No.**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization.)**

United Steelworkers of America, AFL-CIO-CLC

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Royal F. Martin Title President  
Signature of representative or person making chargeAddress Route 1, Box 199

Fax No. \_\_\_\_\_

Date 8-15-08Point Pleasant, West Virginia 25550Telephone No. (304) 675-4838**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. §151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



United States Government

## NATIONAL LABOR RELATIONS BOARD

Region 9

3003 John Weld Peck Federal Building

550 Main Street

Cincinnati, Ohio 45202-3271

Telephone: (513) 684-3686

Facsimile: (513) 684-3946

August 26, 2008

Mr. Royal F. Martin  
President  
United Steel Workers Local 5171  
P.O. Box 67  
Hartford, WV 25247

Mr. Ricklin Brown  
Attorney at Law  
Bowles, Rice, McDavid, Graff & Love  
600 Quarrier Street  
P.O. Box 1386  
Charleston, WV 25335

Re: Felman Production  
Case 9-CA-44443

Gentlemen:

The Region has carefully considered the charge filed against [Felman Production](#) alleging it violated the National Labor Relations Act. As explained below, I have decided that further proceedings on that charge should be handled in accordance with the Board's deferral policy.

**Deferral Policy:** The Board's deferral policy provides that this Agency will withhold making a final determination on certain arguably meritorious unfair labor practice charges when a grievance involving the same issue can be processed under the grievance/arbitration provisions of the applicable contract. *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This policy is based, in part, on the preference that the parties should resolve certain issues through their contractual grievance procedure in order to achieve a prompt, fair and effective settlement of their dispute. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Regional Office will defer the charge. However, this policy requires that a charge be dismissed if the charging party thereafter fails to promptly file and attempt to process a grievance on the subject matter of the charge.

(over)

**Decision to Defer:** Based on our investigation, I am deferring further proceedings on **the charge** to the grievance/arbitration process for the following reasons:

1. The charge alleges: The Employer violated Section 8(a)(1) of the Act on or about (b) (6), (b) (7)(C) 2008, by discharging employee (b) (6), (b) (7)(C) because (b) (6) engaged in protected concerted activities.
2. The Employer and the Union have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.
3. The Employer is willing to process a grievance concerning the above allegations in the charge and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.
4. Since the above allegations in the charge appear to be covered by certain provisions of the collective-bargaining agreement, it is likely that such allegations may be resolved through the grievance/arbitration procedure.

**Further Processing of the Charge:** As explained below, while the charge is deferred, the Region will monitor the processing of the grievance and, under certain circumstances, will resume processing the charge.

**Charging Party's Obligation:** Under the Board's *Collyer* deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly file or submit the grievance to the grievance/arbitration process, or declines to have the grievance arbitrated if it is not resolved, I will dismiss the charge.

**Charged Party's Conduct:** If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

**Inquiries and Requests for Further Processing:** Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and whether continued deferral is appropriate. However, I will accept and consider at any time requests and supporting evidence submitted by any party to this matter for dismissal of the charge for continued deferral of the charge or for issuance of a complaint.

**Notice to Arbitrator Form:** If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the award is sent to the parties.

**Review of Arbitrator's Award:** If the grievance is arbitrated, the Charging Party may request that this office review the arbitrator's award. The request must be in writing and addressed to me. The request should discuss whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the



arbitrator, and whether the award is clearly repugnant to the Act. Further guidance on the nature of this review is provided in *Spielberg Mfg. Co.*, 112 NLRB 1080 (1955), and *Olin Corp.*, 268 NLRB 573 (1984).

**Your Right to Appeal:** The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing an appeal with the GENERAL COUNSEL of the National Labor Relations Board. Use of the Appeal Form (Form NLRB-4767) will satisfy this requirement. However, you are encouraged to submit a complete statement setting forth the facts and reasons why you believe that the decision to dismiss your charge was incorrect.

The appeal may be filed by regular mail addressed to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. A copy of the appeal should also be mailed to the Regional Director.

An appeal also may be filed electronically by using the E-filing system on the Agency's Website. In order to file an appeal electronically, please go to the Agency's Website at [www.nlr.gov](http://www.nlr.gov) and select the **E-Gov** tab and click on **E-Filing**. Scroll to the General Counsel's Office of Appeals. Select the type of document you wish to file electronically and you will navigate to detailed instructions on how to file an appeal electronically.

The appeal MAY NOT be filed by facsimile transmission.

**Appeal Due Date:** The appeal must be received by the General Counsel in Washington D.C. by the close of business at 5:00 p.m. (EDT) on September 9, 2008. If you mail the appeal, it will be considered timely filed if it is postmarked no later than one day before the due date set forth above. If you file the appeal electronically, it also must be received by the General Counsel by the close of business at 5:00 p.m. (ET) on September 9, 2008. A failure to timely file an appeal electronically will not be excused on the basis of a claim that transmission could not be accomplished because the receiving machine was off-line or unavailable, the sending machine malfunctioned, or for any other electronic-related reason.

**Extension of Time to File Appeal:** Upon good cause shown, the General Counsel, may grant you an extension of time to file the appeal. You may file a request for an extension of time to file by mail, facsimile transmission, or through the Internet. The fax number is (202) 273-4283. Special instructions for requesting an extension of time over the Internet are set forth in the attached Access Code Certificate. While an appeal will be accepted as timely filed if it is postmarked no later than one day prior to the appeal due date, this rule does not apply to requests for extension of time. A request for an extension of time to file an appeal **must be received** on or before the original appeal due date. A request that is postmarked prior to the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed through the Internet, a copy of any request for extension of time should be sent to me.

**Confidentiality/Privilege:** Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held

before an administrative law judge. Further, we are required by the Federal Records Act to keep copies of documents used in our case handling for some period of years after a case closes. Accordingly, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential source, commercial/financial information or personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(D), 5 U.S.C. § 552(b)(4), (6), (7)(C), and 7(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

**Notice to Other Parties of Appeal:** You should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is mailed to the General Counsel, please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter.

Very truly yours,

Gary W. Muffley  
Regional Director

GWM/LGM/md

Enclosures (5)

cc: Mr. Royal F. Martin  
Route 1 Box 199  
Point Pleasant, WV 25550

Mr. James Zerkle  
Felman Production  
4442 Graham Station Road  
Letart, WV 25253

Mr. Gary W. Muffley  
Regional Director  
National Labor Relations Board, Region 9  
3003 John Weld Peck Federal Building  
550 Main Street  
Cincinnati, OH 45202

Mr. Ronald Meisburg  
General Counsel  
National Labor Relations Board  
1099 - 14th Street, N.W.  
Washington, D.C. 20570



United States Government

## **NATIONAL LABOR RELATIONS BOARD**

Region 9

3003 John Weld Peck Federal Building

550 Main Street

Cincinnati, Ohio 45202-3271

Telephone: (513) 684-3686

Facsimile: (513) 684-3946

February 3, 2009

Mr. Royal F. Martin  
President  
United Steel Workers Local 5171  
P.O. Box 67  
Hartford, WV 25247

Re: Felman Production  
Case 9-CA-44443

Dear Mr. Martin:

This will acknowledge your request to withdraw the charge filed in the above-entitled matter. I have approved such withdrawal and the case is closed on our records.

Very truly yours,

Gary W. Muffley  
Regional Director

GWM/LGM/md

cc: Mr. James Zerkle, Mr. Ben Anderson, Felman Production,  
4442 Graham Station Road, Letart, WV 25253

Mr. Ricklin Brown, Attorney at Law, Bowles, Rice, McDavid, Graff & Love,  
600 Quarrier Street, P.O. Box 1386, Charleston, WV 25335

Mr. Royal F. Martin, Route 1 Box 199, Point Pleasant, WV 25550

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

## DO NOT WRITE IN THIS SPACE

Case

9-CA-44618

Date Filed

SEP 24, 2008

## INSTRUCTIONS:

File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Felman Productions		b. Number of workers employed app. 100
c. Address (Street, city, state, and ZIP code) 4442 Graham Station Road Letart WV 25253-	d. Employer Representative Meredith Marker Human Resources	e. Telephone No. (304)882-1181 Fax No. (304)882-3853
f. Type of Establishment (factory, mine, wholesaler, etc.) factory	g. Identify principal product or service ferro alloys	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about (b) (6), (b) (7)(C) 2008, the above-named Employer disciplined (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) filed grievances under the collective bargaining agreement between the Employer and United Steelworkers of America, Local 5171.

On or about (b) (6), (b) (7)(C) 2008, the Employer, through (b) (6), (b) (7)(C), threatened to terminate an employee if the employee refused to sign a last chance agreement and continued with the grievance process.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

## 4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

## 4b. Telephone No.

(b) (6), (b) (7)(C)

Fax No.

( ) -

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(signature or representative or person making charge)

Individual

(Print/type name and title or office, if any)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(fax) ( ) -  
(b) (6), (b) (7)(C)

Address

(Telephone No.)

(date)

09 23 08

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

(b) (6), (b) (7)(C)

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



United States Government

## **NATIONAL LABOR RELATIONS BOARD**

Region 9

3003 John Weld Peck Federal Building

550 Main Street

Cincinnati, Ohio 45202-3271

Telephone: (513) 684-3686

Facsimile: (513) 684-3946

November 24, 2008

(b) (6), (b) (7)(C)

Re: Felman Productions  
Case 9-CA-44618

United Steelworkers of America,  
District 8, Sub-District 6 and its Local 5171  
(Felman Productions)  
Case 9-CB-12044

Dear (b) (6), (b) (7)(C)

This will acknowledge your request to withdraw the charges filed in the above-entitled matter. I have approved such withdrawal and these cases are closed on our records.

Very truly yours,

Gary W. Muffley  
Regional Director

GWM/EJG/md

cc: Mr. Alan Sampson, Sub-Director, United Steelworkers of America, District 8,  
Sub-District 6 and its Local 5171, 642 Brady Street, Barboursville, WV 25504

Ms. Meredith Marker, Human Resources, Felman Productions,  
4442 Graham Station Road, Letart, WV 25253

Mr. Riklin Brown, Attorney at Law, Bowles, Rice, McDavid, Graff & Love,  
600 Quarrier Street, P.O. Box 1386, Charleston, WV 25335

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

## DO NOT WRITE IN THIS SPACE

Case

9-CA-44818

Date Filed

March 2, 2009

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Felman Production Inc.		b. Tel. No. 304-882-1181
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) Rt.3 P.O. Box 127 Letart, WV. 25253	e. Employer Representative Steve Pragnell Denis DolzHikov	g. e-Mail
		h. Number of workers employed approx. 168
i. Type of Establishment (factory, mine, wholesaler, etc.) Factory	j. Identify principal product or service Steel Alloy	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) ( 5 ) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Unilateral Implementation of Company Policy on or about; September 02, 2008, October 06,2008, January 20, 2009, February 03, 2009, and February 10, 2009.		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) United Steel Workers Local 5171		
4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		4b. Tel. No.
		4c. Cell No.
		4d. Fax No.
		4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) United Steel,Paper,and Forestry,Rubber,Manufacturing,Energy,Allied Industrial and Service Workers Int. Union		
6. DECLARATION I declare that I have read the (b) (6), (b) (7)(C) charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) USW Local 5171 Director of repression (b) (6), (b) (7)(C) on making charge) (Print/type name and title or office, if any)		Tel. No. (b) (6), (b) (7)(C)
		Office, if any, Cell No.
		Fax No.
Address (b) (6), (b) (7)(C)		e-Mail
		2/27/09 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

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United States Government

## NATIONAL LABOR RELATIONS BOARD

Region 9

3003 John Weld Peck Federal Building

550 Main Street

Cincinnati, Ohio 45202-3271

Telephone: (513) 684-3686

Facsimile: (513) 684-3946

March 31, 2009

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) USW Local 5171

United Steelworkers Local 5171

(b) (6), (b) (7)(C)

Re: Felman Production Inc.  
Case 9-CA-44818

Dear (b) (6), (b) (7)(C):

The Region has carefully investigated and considered your charge against Felman Production Inc. alleging violations under Section 8 of the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing your charge for the following reasons:

The basic requirement of a party filing a charge with the National Labor Relations Board is that the party must furnish sufficient evidence to establish that a prima facie violation of the Act has been committed. Since you did not submit any evidence in support of your charge, a prima facie violation of the Act has not been established.

**Your Right to Appeal:** The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing an appeal with the GENERAL COUNSEL of the National Labor Relations Board. Use of the Appeal Form (Form NLRB-4767) will satisfy this requirement. However, you are encouraged to submit a complete statement setting forth the facts and reasons why you believe that the decision to dismiss your charge was incorrect.

(over)



The appeal may be filed by regular mail addressed to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. A copy of the appeal should also be mailed to the Regional Director.

An appeal also may be filed electronically by using the E-filing system on the Agency's Website. In order to file an appeal electronically, please go to the Agency's Website at [www.nlrb.gov](http://www.nlrb.gov) and select the **E-Gov** tab and click on **E-Filing**. Scroll to the General Counsel's Office of Appeals. Select the type of document you wish to file electronically and you will navigate to detailed instructions on how to file an appeal electronically.

The appeal MAY NOT be filed by facsimile transmission.

**Appeal Due Date:** The appeal must be received by the General Counsel in Washington, D. C. by the close of business at 5:00 p.m. [EST or EDT, as appropriate] on April 14, 2009, unless electronically filed. If you mail the appeal, it will be considered timely if it is postmarked no later than one day before the due date. If you file the appeal electronically it will be considered timely filed if the transmission of the entire document through the Agency's website is accomplished **no later than 11:59 p.m. Eastern Time** on the due date.

**Extension of Time to File Appeal:** Upon good cause shown, the General Counsel, may grant you an extension of time to file the appeal. You may file a request for an extension of time to file by mail, facsimile transmission, or through the Internet. The fax number is (202) 273-4283. Special instructions for requesting an extension of time over the Internet are set forth in the attached Access Code Certificate. While an appeal will be accepted as timely filed if it is postmarked no later than one day prior to the appeal due date, this rule does not apply to requests for extension of time. A request for an extension of time to file an appeal **must be received** on or before the original appeal due date. A request that is postmarked prior to the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed through the Internet, a copy of any request for extension of time should be sent to me.

**Confidentiality/Privilege:** Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. Further, we are required by the Federal Records Act to keep copies of documents used in our case handling for some period of years after a case closes. Accordingly, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential source, commercial/financial information or personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(D), 5 U.S.C. § 552(b)(4), (6), (7)(C), and 7(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.

**Notice to Other Parties of Appeal:** You should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is mailed to the General Counsel,

please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter.

Very truly yours,

Laura E. Atkinson  
Acting Regional Director

LEA/DJS/md

Attachments (5)

cc: Mr. Steve Pragnell  
Denys DolzHikov  
Felman Production Inc.  
Route 3, P.O. Box 127  
Letart, WV 25253

Mr. Ricklin Brown  
Attorney at Law  
Bowles, Rice, McDavid, Graff & Love  
600 Quarrier Street  
P.O. Box 1386  
Charleston, WV 25335

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

USW Local 5171  
United Steelworkers Local 5171

(b) (6), (b) (7)(C)

Mr. Gary W. Muffley  
Regional Director  
National Labor Relations Board, Region 9  
3003 John Weld Peck Federal Building  
550 Main Street  
Cincinnati, OH 45202

Mr. Ronald Meisburg  
General Counsel  
National Labor Relations Board  
1099 - 14th Street, N.W.  
Washington, D.C. 20570



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, D.C. 20570

April 27, 2009

Re: Felman Production Inc.  
Case No. 9-CA-44818

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

USW, Local 5171

United Steelworkers, Local 5171

(b) (6), (b) (7)(C)

Dear (b) (6), (b) (7)(C)

Your appeal has been carefully considered. The appeal is denied substantially for the reasons set forth in the Acting Regional Director's letter of March 31, 2009. As a charging party under the National Labor Relations Act, you are required to fully cooperate with the Regional Office's investigation of the unfair labor practice charge, and expeditiously respond to their requests. In the instant matter, you failed to return the Board agent's phone calls and to submit evidence in support of the charge. Inasmuch as you have not explained why you failed to cooperate with the Agency's investigation of your charge, we have no alternative but to deny your appeal. Accordingly, and since insufficient evidence of a prima facie case was presented, further proceedings are unwarranted.

Sincerely,

Ronald Meisburg  
General Counsel

By \_\_\_\_\_  
Yvonne T. Dixon, Director  
Office of Appeals

cc: Gary Muffley, Regional Director  
National Labor Relations Board  
John Weld Peck Federal Bldg.  
550 Main Street, Room 3003  
Cincinnati, OH 45202

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

USW, Local 5171

United Steelworkers, Local 5171

(b) (6), (b) (7)(C)

Steve Pragnell  
Denys DolzHikov  
Felman Production Inc.  
Route 3, P.O. Box 127  
Letart, WV 25253

mab

Ricklin Brown, Attorney at Law  
Bowles, Rice, McDavid, Graff & Love  
600 Quarrier Street  
P.O. Box 1386  
Charleston, WV 25335

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

## DO NOT WRITE IN THIS SPACE

Case

9-CA-45189

Date Filed

SEPT 23, 2009

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a Name of Employer  
Felman Productions Incb Tel No.  
(304)882-1181c Cell No  
( ) -f. Fax No.  
(304)882-3853

g e-Mail

h. Number of workers employed

d Address (Street, city, state, and ZIP code)  
4442 Graham Station Road

Letart WV 25253-

e. Employer Representative  
Steven  
Pragnell  
CEOi. Type of Establishment (factory, mine, wholesaler, etc.)  
factoryj. Identify principal product or service  
matel alloys

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about September 9, 2009, the above-named Employer subcontracted bargaining unit work without bargaining with the Union in violation of the Act.

## 3 Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

## 4c. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

## 4a. Tel No.

(b) (6), (b) (7)(C)

## 4b. Cell No.

(b) (6), (b) (7)(C)

## 4d. Fax No.

( ) -

## 4e e-Mail

Local5171@yahoo.com

## 5 Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) United Steelworkers Local 5171

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(Signature of representative of labor organization)

(Print type name and title or office, if any)

## Tel. No.

(b) (6), (b) (7)(C)

## Office, if any, Cell No

( ) -

## Fax No

( ) -

## e-Mail

Local 5171@yahoo.com

Address

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

09 / 17 / 2009  
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

(b) (6), (b) (7)(C)

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to process its request.



United States Government

## NATIONAL LABOR RELATIONS BOARD

Region 9

3003 John Weld Peck Federal Building

550 Main Street

Cincinnati, Ohio 45202-3271

Telephone: (513) 684-3686

Facsimile: (513) 684-3946

November 23, 2009

(b) (6), (b) (7)(C)

Re: Felman Productions Inc.  
Case 9-CA-45189

Dear (b) (6), (b) (7)(C)

The Region has carefully investigated and considered your charge against Felman Productions Inc. alleging violations under Section 8 of the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing your charge for the following reasons:

The basic requirement of a party filing a charge with the National Labor Relations Board is that the party must furnish sufficient evidence to establish that a prima facie violation of the Act has been committed. Since you did not submit any evidence in support of your charge, a prima facie violation of the Act has not been established.

Dismissal of this charge does not mean that you are foreclosed from filing the charge again if or when you are able to cooperate with an investigation. You are reminded, however, that Section 10(b) of the Act prohibits the processing of any charge which has not been filed and served upon the Charged Party within 6 months of the alleged unfair labor practices. Furthermore, in the event that you decide to file a charge, Section 102.14 of the Board's Rules and Regulations states that the responsibility is yours to timely and promptly serve a copy of the charge on the person against whom such charge is made. Instructions concerning proper and timely service are attached as Attachment A.

(over)

*Your Right to Appeal:* The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing an appeal with the GENERAL COUNSEL of the National Labor Relations Board. Use of the Appeal Form (Form NLRB-4767) will satisfy this requirement. However, you are encouraged to submit a complete statement setting forth the facts and reasons why you believe that the decision to dismiss your charge was incorrect.

*Means of Filing:* An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at [www.nlr.gov](http://www.nlr.gov), click on **E-GOV**, select **E-Filing**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14<sup>th</sup> Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

*Appeal Due Date and Time:* The appeal is due on **December 7, 2009**. If you file the appeal electronically, it will be considered timely filed if the transmission of the entire document through the Agency's website is accomplished **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the General Counsel in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than **one day before the due date set forth above**.

*Extension of Time to File Appeal:* Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-Gov**, select **E-Filing**, and follow the detailed instructions. The fax number is (202) 273-4283. A request for an extension of time to file an appeal **must be received on or before the original appeal due date**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

*Confidentiality/Privilege:* Please be advised that we cannot accept any limitations on the use of any appeal statement or evidence in support thereof provided to the Agency. Thus, any claim of confidentiality or privilege cannot be honored, except as provided by the FOIA, 5 U.S.C. 552, and any appeal statement may be subject to discretionary disclosure to a party upon request during the processing of the appeal. In the event the appeal is sustained, any statement or material submitted may be subject to introduction as evidence at any hearing that may be held before an administrative law judge. Because we are required by the Federal Records Act to keep copies of documents used in our case handling for some period of years after a case closes, we may be required by the FOIA to disclose such records upon request, absent some applicable exemption such as those that protect confidential source, commercial/financial information or personal privacy interests (e.g., FOIA Exemptions 4, 6, 7(C) and 7(d), 5 U.S.C. § 552(b)(4), (6), (7)(C), and (7)(D)). Accordingly, we will not honor any requests to place limitations on our use of appeal statements or supporting evidence beyond those prescribed by the foregoing laws, regulations, and policies.



*Notice to Other Parties of Appeal:* You should notify the other party(ies) to the case that an appeal has been filed. Therefore, at the time the appeal is sent to the General Counsel, please complete the enclosed Appeal Form (NLRB-4767) and send one copy of the form to all parties whose names and addresses are set forth in this letter.

Very truly yours,

Gary W. Muffley  
Regional Director

GWM/NRC/md

Attachments (4)

cc: Mr. Steven Pragnell  
CEO  
Felman Productions Inc.  
4442 Graham Station Road  
Letart, WV 25253

Mr. Riklin Brown  
Attorney at Law  
Bowles, Rice, McDavid,  
Graff & Love LLP  
600 Quarrier Street  
P.O. Box 1386  
Charleston, WV 25335

Mr. Gary W. Muffley  
Regional Director  
National Labor Relations Board, Region 9  
3003 John Weld Peck Federal Building  
550 Main Street  
Cincinnati, OH 45202

Mr. Ronald Meisburg  
General Counsel  
National Labor Relations Board  
1099 - 14th Street, N.W.  
Washington, D.C. 20570

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
09-CA-147432	March 3, 2015

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer <b>FELMAN PRODUCTION LLC</b>		b. Tel. No. <b>(304)882-1181</b>
		c. Cell No.
d. Address (street, city, state ZIP code) <b>4442 GRAHAM STATION RD LETART, WV 25253-8701</b>	e. Employer Representative	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) <b>LETART, WV</b>
i. Type of Establishment (factory, nursing home, hotel) <b>MANUFACTURER</b>	j. Principal Product or Service <b>STEEL</b>	k. Number of workers at dispute location <b>135</b>

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since about January 28, 2015, the above-named Employer has failed and refused to provide the Union with the information that has been requested.

3. Full name of party filing charge (If labor organization, give full name, including local name and number)

**UNITED STEEL WORKERS OF AMERICA, LOCAL 5171**

4a. Address (street and number, city, state, and ZIP code) <b>63 HOSPITALITY LANE, UNIT 105 MINERAL WELLS, WV 26150</b>	4b. Tel. No. <b>(304)593-6407</b>
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail <b>rmartin@usw.org</b>

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. <b>(304)593-6407</b>
By: <u>Royal Martin</u>	ROYAL MARTIN STAFF REPRESENTATIVE	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	Fax No. <b>304-489-2717</b>
Address: <b>63 HOSPITALITY LANE, UNIT 105 MINERAL WELLS, WV 26150</b>	Date: <b>3-3-15</b>	e-Mail <b>rmartin@usw.org</b>

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

1-1290653065



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3003  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (513)684-3686  
Fax: (513)684-3946

March 31, 2015

FELMAN PRODUCTION LLC  
4442 GRAHAM STATION RD  
LETART, WV 25253-8701

Re: FELMAN PRODUCTION LLC  
Case 09-CA-147432

Dear Sir or Madam:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Garey Edward Lindsay

Garey Edward Lindsay  
Regional Director

cc: ROYAL MARTIN  
STAFF REPRESENTATIVE  
UNITED STEEL WORKERS OF AMERICA,  
LOCAL 5171  
63 HOSPITALITY LANE, UNIT 105  
MINERAL WELLS, WV 26150

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARDCHARGE AGAINST LABOR ORGANIZATIONS  
OR ITS AGENTS

DO NOT WRITE IN THIS SPACE

Case

9-CB-12044

Date Filed

SEP 24, 2008

INSTRUCTIONS: File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name

United Steelworkers of America, District 8, Sub-District 6 and its Local 5171

b. Union Representative to contact

(b) (6), (b) (7)(C)

c. Telephone No.

(304)733-3784

Fax No.

(304)733-5692

d. Address (Street, city, state, and ZIP code)

642 Brady Street

Barboursville

WV 25504-

e. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about (b) (6), (b) (7)(C) 2008, the above-named labor organization, through (b) (6), (b) (7)(C), violated its duty to fairly represent (b) (6), (b) (7)(C) by agreeing to a last chance agreement regarding (b) (6) employment for reasons that were arbitrary and in bad faith.

3. Name of Employer

Felman Productions

4. Telephone No.

(304)882-1181

Fax No.

(304)882-3853

5. Location of plant involved (street, city, state and ZIP code):

4442 Graham Station Road

Letart

WV

25253-

6. Employer representative to contact

Meredith Marker

Human Resources

7. Type of establishment (factory, mine, wholesaler, etc.)

factory

8. Identify principal product or service

ferro alloys

9. Number of workers employed

10. Full name of party filing charge

(b) (6), (b) (7)(C)

11. Address of party filing charge (street, city, state and ZIP code.)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Fax No.

( ) -

## 13. DECLARATION

(b) (6), (b) (7)(C) above charge and that the statements therein are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C)  
(Signature of representative of person making charge)

Individual

(Print/type name and title or office, if any)

Address (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(Fax) ( ) -

(b) (6), (b) (7)(C)

(Telephone No.)

09 22 08  
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

(b) (6), (b) (7)(C)

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.